

Remarks:

Claims 1-10, 12-26, and 28-35 are now pending in this application. Applicant has amended claims 1, 17, and 33-35 and cancelled claims 11 and 27 to clarify the present invention. Applicant respectfully requests favorable reconsideration of this application.

The Examiner rejected claims 1-35 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent 6,842,121 to Tuttle.

Tuttle does not disclose the present invention as recited in claim 1 since, among other things, Tuttle does not disclose determining a present location of a first user terminal, wherein determining the location includes relating the location of the first user terminal to a zone of predetermined spatial extent. Additionally, Tuttle et al. does not disclose selecting a data quantity from databases depending on at least both the identification and the present location, depending upon the identity of the zone of predetermined spatial extent. Tuttle et al. does not include determining a location to a zone of predetermined spatial extent. Tuttle et al. relates to handling luggage. An RFID interrogator transceiver sends an interrogation signal out. Luggage having an RFID transceiver in the vicinity of the RFID interrogator transceiver sends a signal with information about the luggage. In response, the luggage transceiver sends out a signal. At col. 7, line 58, through col. 8, line 7, Tuttle et al. discloses that the identifying information related to the luggage includes airline flight number or destination. Tuttle et al. does not disclose a method for locating of a user terminal in a zone of predetermined spatial extent.

In view of the above, Tuttle does not disclose the present invention as recited in claim 1 and claims 2-10 and 12-16, which depend from claim 1. It follows that Tuttle et al. does not disclose the computer program product recited in claims 33-35, which include computer program instructions for carrying out a method recited in claim 1.

It follows that Tuttle et al. also does not disclose the present invention as recited in claim 17, which recites a communication system in an industrial automation facility, wherein the communication system includes locator means for determining of a present location of a first user terminal, including means for relating the first user terminal to a zone of predetermined spatial extent. Tuttle et al. also does not disclose a communication system that includes selector means for selecting a data quantity from said database, whereby selector means is connected to at least both said identification providing means and the locator means and has access to an identity of the zone of predetermined spatial extent. As discussed above, Tuttle et al. does not disclose determining a spatial location of the luggage.

Therefore, Tuttle et al. does not disclose the present invention as recited in claim 17, or claims 18-32, which depend from claim 17.

In view of the above, Tuttle et al. does not disclose all elements of the present invention as recited in claims 1-10, 12-26, and 28-35. Since Tuttle et al. does not disclose all elements of the present invention as recited in claims 1-10, 12-26, and 28-35, the present invention, as recited in claims 1-10, 12-26, and 28-35, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed

invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

In view of the above, the reference relied upon in the office action does not disclose patentable features of the present invention. Therefore, the reference relied upon in the office action does not anticipate the present invention. Accordingly, Applicants respectfully request withdrawal of the rejection based upon the cited reference.

In conclusion, Applicants respectfully request favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this case, Applicants urge the Examiner to contact the undersigned at the telephone number listed below.

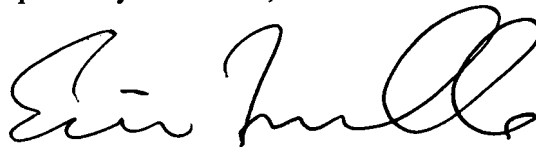
The undersigned authorizes the Commissioner to charge fee insufficiency and credit

overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: _____

5/21/07

A handwritten signature in black ink, appearing to read "Eric J. Franklin", written over a horizontal line.

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